IN THE DISTRICT COURT IN AND FOR WASHINGTON COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA	)	
	)	
v.	)	Case No. CF-2021-304
	)	
MICHAEL ERIC NELSON	)	

MOTION TO INCREASE BOND HEARING

On the 12th day of October, 2022, the following proceedings came on to be heard in the above-entitled cause before the Honorable Linda S. Thomas, District Judge presiding, in the City of Bartlesville, County of Washington, State of Oklahoma:

Proceedings reported by machine shorthand.

A P P E A R A N C E S:

FOR THE STATE OF OKLAHOMA:

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I N D E X

MOTION TO INCREASE BOND HEARING

October 12, 2022 Page

Proceedings..... 5

Reporter's Certificate..... 38

EXHIBIT INDEX

State's Exhibits		Offered	Admitted
1	Affidavit of Craig Piercy	16	16
2	Affidavit of Howard Gilliam	16	16
3	Audio CD audio	16	16

P R O C E E D I N G S

THE COURT: We are now on the record in Washington County District Court, Case Number CF-2021-304. State of Oklahoma versus Michael Eric Nelson. Present with Mr. Nelson is Mr. Kevin Adams, and present for the State of Oklahoma is Zoe Gullett. This matter comes on for hearing today on the State's motion to increase the bond and set a hearing. And then I have also received the Defense objection to the State's motion to increase the bond.

Mr. Adams, I noticed it was filed yesterday. I will tell you that I had an opportunity to read the objection itself, but the number of attachments that you had to it, I did not have time to read those. They are quite voluminous and would have taken me a lot longer from when I got it this morning to today, to right now.

So, Ms. Gullett, it's your motion. You may proceed.

MS. GULLETT: Thank you, Judge. So, Your Honor, we somewhat had a slight impromptu hearing on this motion a bit on 9-23 whenever we -- when I first filed this motion and asked for this hearing to be set. So the Court has heard a bit about what the State's motion was about, but I will reiterate some the reasons -- or the reasons why the State filed this motion.

As the State's motion indicates, this has to do with about three different contacts that Mr. Nelson has had. One is with a Mr. Ritter, one is with a Craig Piercy, and one is with a -- kind of a secondhand contact with a Mr. Gil Gilliam. So at this time the State would direct the Court's attention, first of all, to the docket sheet in this case, to specifically January 11th of '22, where myself, Judge Sigler, and Mark Kane, who at the time was representing the Defendant, as well as the Defendant, who was in custody at the time, where this motion -- or this matter came on for a bond reduction hearing where the State of Oklahoma had filed a motion to increase the Defendant's bond to -- it was actually his bond had been increased to a hundred thousand and the Defendant had asked for a bond reduction. Mr. Kane and myself, as well as the Defendant, had come to an agreement that the bond would be amended to $50,000, which was my understanding at the time that that was how much the Defendant's family could make, allowing the Defendant to bond out, not remain in jail, with the conditions specifically listed in the court minute of no contact with the alleged victims or businesses. The Defendant is to surrender his passport. Defendant must have an ankle monitor. Defendant is not to reside in Washington County. Defendant must also

serve -- was also served with a PO, and he was order back in front of Your Honor later on in January for a status docket.

I understand that the defense counsel has, in his motion, put a copy of the agreed to order that was later filed on March 7th of '22, or court minute, the agreed to court minute where Mr. Newman and myself agreed, because I believe -- so Mr. Newman approached me because Mr. Nelson was living in the Tulsa area and having a very financially difficult time living in another state away from his family in a state where he did not have a job and had no connections, asking -- Mr. Newman asked me if I would have an objection to Mr. Nelson returning to Rhode Island to reside. And after a bit of back and forth between myself and Mr. Newman, we agreed that he could return to reside in Rhode Island, that the ankle monitor could be removed by agreement. And, again, this is a handwritten court minute so not everything we talked about is necessarily dictated in this court minute. That there was conversations about him and his bonds person having an app to -- her be able to check in on him every day -- it's a GPS app -- so that she would actually know where he was. It actually works better than an ankle monitor because those don't -- you don't have a constant ID of

where he's at. The Defendant can return to Oklahoma to consult with his attorney and for court appearances. And then there is a very important word here where it says "continued" no contact with the victims. Defendant to return for preliminary hearing March 29th at 9:00 a.m. Defendant to check in daily with bonds person.

So this court minute does not supersede the bond conditions that were put into place in January of 2022. It just say continue no contact with the victims. So we didn't spell out continue no contact with the victims and the victims' businesses, and we didn't say that the condition of no contact with the victims' businesses was lifted. We just say continue no contact with the victims. We didn't change any of Judge Sigler's orders. And Judge Sigler signed that as well. So if he had wanted to change it to say he could have contact with the businesses, then he could have done so. But he did not. His orders remain the same up until today.

So that brings us to what occurred in September of this year. So on or about September 6th, the Defendant began contacting various people associated with the victims in this case, Anthem and Cynthia Blanchard, and their businesses. Specifically a business here Bartlesville that is physically located

here in Washington County, which is called HeraSoft. And he -- and as the State will show he contacted Mr. Ritter with -- through a voice mail, which I'm going to ask to play for the Court here in a minute, where he talks about he is going to subpoena Mr. Ritter and he talks about him being a shareholder in both Anthem Holdings as well as HeraSoft, again a company that's physically here. And talks about having filed 16 subpoenas in other courts up and down the eastern seaboard. And then he insinuates that Mr. Ritter's name continues popping up in all sorts of documents and all sorts of claims of young women; and then he says something like he wants to have a conversation man to man with Mr. Ritter, which sounds intimidating. Then he contacts a Mr. Craig Piercy, who has written out an affidavit.

And would Your Honor like for me to put State's exhibit stickers on these?

THE COURT: I think so. That would probably keep the record clear.

MS. GULLETT: So I reached out to Mr. Craig Piercy and asked him to write out an affidavit because none of these individuals live in Oklahoma. So I requested that Mr. Piercy write out an affidavit of his interaction with Mr. Nelson. So this would be

State's Exhibit 1, and this is Mr. Piercy's affidavit of his interaction with Mr. Nelson.

THE COURT: Okay.

MS. GULLETT: So, Your Honor, as you can see in this affidavit, Mr. Nelson reached out to a shareholder of the Blanchards' company and stated things like that the Blanchards are con artists who operate Ponzi schemes, that he specifically stated that Anthem Blanchard is broke, that he's burned through his inheritance, that he's scheming investors out of money, specifically referenced their home in Bartlesville, apparently. Goes on to disparage the victims to a shareholder of their company and a shareholder specifically of the company, again, here in Bartlesville, Oklahoma.

So the issue that we have here, and as you'll hear in the voice mail, is that this case started because Mr. Nelson contacted the City Manager of Bartlesville, Oklahoma, as soon as he found out that the Blanchards were here starting a business and said do you have any idea of who started a business here in Bartlesville, these are horrible, terrible people, the Blanchards, they're Ponzi scheme scam artists, they're terrible people, this is who they are.

So that's what this case is about, is him

following these people around sending messages to people, such as the manager -- or the City Manager of Bartlesville, and attempting to disparage the Blanchards to other people. And he's doing the exact same thing, once again, but he is doing it now through a shareholder, when he has been instructed by the Court to have no contact with the businesses that have to do with the Blanchards. To contact a shareholder of that business is to have contact with that business.

Then there is Mr. Gil Gilliam, and he also did an affidavit. And I apologize. He -- I'll mark this as State's Exhibit 1.

When I spoke to Mr. Gilliam, he informed me that he would be doing this affidavit and putting the original in the mail. And at this present time, I do not have the original, but he emailed me a copy of the original that he is supposed to have put in the mail. So I do have this copy, and once I get the original, I can substitute it.

THE COURT: Okay.

MS. GULLETT: So Mr. Gilliam and I spoke over the phone; and the important parts of this affidavit is that, first of all, Mr. Gilliam is employed with HeraSoft, which is located, again, here in Bartlesville, Oklahoma. And he has been an employee

with HeraSoft since March 1st of 2021. He has worked for HeraSoft during -- at no time during the same time as Mr. Nelson.

So my understanding, from reading the Defendant's motion, is that the argument that is going to be made is that the Defendant is currently wrapped up defending himself pro se in a civil lawsuit in a Federal case in Kansas with an individual named Chad Koehn. And it seems like the theme in the motion is that because the Defendant has a Federal case pending and he's representing himself pro se, that he should be able to contact individuals associated with the HeraSoft company, maybe the HeraSoft company itself, and it appears almost as if he thinks he should be able to contact the victims because they have been listed as possible witnesses in that civil lawsuit. The State's argument is that even though they're listed as possible witnesses in a civil lawsuit in Kansas, does not trump the orders of a District Judge in Oklahoma. You cannot violate the bond conditions in Oklahoma just because you have a civil lawsuit pending in Kansas. That is a legal rodeo you have to figure out on your own if you're going to represent yourself pro se in Kansas.

So while there might be witnesses listed, you still can't violate your bond condition to contact them.

And, at this time, to threaten to contact Gil Gilliam, and as I wrote in my motion, take a -- will have special counsel take the deposition of him in Bartlesville, where Mr. Nelson is not supposed to be except for court appearances or to have met with his original attorney, who was Mark Kane, now none of his most recent attorneys reside in Bartlesville or have offices in Bartlesville, and has -- and at the local courthouse for a six to seven hour deposition, was the indication in that email.

So none of that would be appropriate. He's not supposed to be in Bartlesville, and having contact with Mr. Gilliam is an extension of having contact with the business because he is employed solely by HeraSoft. So that is a concern for the State.

So what this appears to be is reaching out to the shareholders, reaching out and saying these disparaging things, reaching out to an attorney representing someone in this civil case and threatening to depose for six or seven hours an employee of the business here in Bartlesville, and by extension, expecting to be able to depose the victims in this case. Sounds like threatening the victims in the State of Oklahoma's case. It sounds like it's an intimidation tactic.

And so at this time, the State would ask to

play the voice mail that the Defendant left for Mr. Ritter so that you can hear some of the language Mr. Nelson used when talking to Mr. Ritter about the victims in this case so you can understand some of the things he is saying, as well, about the victims.

THE COURT: Mr. Adams.

MR. ADAMS: Judge, I don't have an objection to that. I don't have an objection. I think it's admissible under Title 12-2103B2, because of the bail hearing. I just would ask that all of these -- these affidavits and the voice mail be introduced into the record and made exhibits.

THE COURT: Yes, Ms. Gullett, you may.

(Exhibit Number 1 audio CD published in open court)

MS. GULLETT: So, Your Honor, as you can hear in that voice mail, he references Anthem Holdings and HeraSoft a couple of times. He is talking to Mr. Ritter, who is, again, a shareholder in the HeraSoft and Anthem Holdings company. And he says a lot of stuff in there, like I have filed subpoenas in 16 other courts, I'm going to subpoena you one way or another, a lot of things are going to come out. Specifically talks about names keep coming up, coming out having to do with young women. All of that is very threatening. So that

has to do -- he's using all these threatening terms while also referencing my victim's company and the name Anthem, which is one of my victim's names. It's Anthem Blanchard. And Anthem Holdings is one of his companies. It appears like the Defendant is once again attempting to call, harass, and use this information that he thinks he has in an attempt to intimidate people around the victims, associated with their business, or having something to do with the victims, just like he did with the City of Bartlesville, just like what we're here on. As soon as the victims got here, as soon as they opened HeraSoft, he called the City of Bartlesville -- or emailed the City of Bartlesville and started his, you know, beginnings of a tirade with the City of Bartlesville sending them emails and telling them what terrible, awful people the Blanchards were.

So at this time the State of Oklahoma would request that you increase his bond since he can't follow through with his bond conditions. We ask that you increase his bond to $150,000. The State had requested a hundred thousand. We came to an agreement with Mr. Kane for $50,000 because of the situation that Mr. Kane told us that he was in. We attempted to be very amenable to allow him to go back to Rhode Island, to not have an ankle monitor, and this is the behavior

that is in response.

And I don't -- I do not believe that this is the only stuff that has occurred. There are emails out there that are from various pseudonyms and things like that. If I could prove that those were from Mr. Nelson, I would happily have attached those as well. I am not able to exactly pinpoint that those are exactly from him, but we're pretty darn sure they are. So at this time it appears that Mr. Nelson has gone right back to the behavior that he did whenever this case was filed.

Thank you, Judge.

THE COURT: Mr. Adams. And before you begin, Mr. Adams, I don't know that I addressed your request that the State's Exhibit 1, 2 -- and then we'll count the audio recording as 3 -- be admitted into the record, but I'm assuming the State has no objection to that.

MS. GULLETT: I would move to admit those, Judge. I apologize.

THE COURT: So as a matter of housekeeping, we will admit those three exhibits.

MR. ADAMS: Specifically, Judge, and neither one of us addressed this in our motions, but I just want to cite for the record what the statute is that controls the request to increase certain

(inaudible).

THE COURT: You're going to have to speak up. When you look down, it's very difficult for her to hear you.

MR. ADAMS: It's Title 22, Section 1109, is the statute from the Oklahoma statutes that require that the State is requesting better security, and that specifically references the petition of Humphrey, which is 601 P.2d 103, just so I'm making a reference in the record.

A witness -- a lawyer has an opportunity to interview the witnesses, to talk to the witnesses. That's in our OUJI's. I'm sure the Court instructs that regularly during jury trials, that, hey, a lawyer has an opportunity to interview the witnesses. And just so that it's clear, and I put it in the motion, I just want to be clear, Chad Koehn, who is a member of the board of directors of Anthem Holding, okay, which is actually a Texas corporation, but they have HeraSoft here, which is a company that Mr. Nelson has interest in -- and I attached the stock certificate -- sued Mr. Nelson in Kansas. Mr. Nelson removed it to Federal court because he is a resident of Rhode Island. The Judge in that case directed -- and the case is -- I mean, it's like 270 filings in there. I mean, they're just pounding him

with motions. There is a time where the Court said stop filing motions until he's had an opportunity to answer, you know. So he's trying to do what he can to defend himself in the case, which he doesn't have the money to hire it otherwise, so that's what he's doing. But this is a board of directors of the company that the Blanchards are in control of. They listed the Blanchards as witnesses. And, now, he's never contacted them, never said that he could, and the subpoenas -- that we actually had the subpoenas issued, but I attached a notice of subpoenas filed in court because it had the file stamp across the top of it that didn't come through very good, because that's the file stamp that you get in Federal court.

Through the Court's process, he issued these notices of subpoena and made arrangements to have a lawyer take the depositions in Kansas. And I listed in F -- or, no, I'm sorry -- G, their initial disclosures, they list Mr. Gilliam, that she was talking about, as a witness as somebody having knowledge and information about the case. In Federal court when you file a civil case, by rule you've got to give notice to the other side of everybody that you know that would have information and notice of the documents because it speeds up the discovery that way. And I believe

Mr. Gilliam is Number 9, but he listed him as a witness. This is a guy that has witnesses. So he emailed per direction of the judge -- or magistrate, which is found in Exhibit Number F, okay? Using that email address Oklahoma remote, he emailed C. Kellogg, who is one of the lawyers representing the board member of Anthem Holding, and said I plan on taking the deposition of this person. He's completely following the Court's orders. That's what he's doing. Same issue with Ritter and Piercy, is he actually -- and I attached those notices, D and E there, that he issued the notice to issue the subpoena which is what you do in Federal court. You file the notice that you intend to issue the subpoena. They have so long to object. If they don't object, then the clerk's office issues the actual subpoenas, which we've got them here. This is all within the point of the lawsuit, a board of director of that company sued him, okay?

They control the company, okay? You know, the other thing is there seems to be somewhat of a coordination here between what's going on with the lawsuit and what's going on with the District Attorney's office. And I say that because of this. They filed a request to be able to amend and be allowed to sue Mr. Nelson's father, who is here in the courtroom,

because he's providing a roof over Mr. Nelson's head.

THE COURT: I'm sorry. When you said "they," who were you referring to?

MR. ADAMS: Okay. The Plaintiffs in Kansas filed a motion to ask the Court to be allowed to amend to sue Mr. Nelson's father. And their theory for saying that he should be a co-defendant of Mr. Nelson is because he's basically providing food and shelter and clothing for his son. That's what they want to be -- that's what they want to be able to add for it. And it's like they're trying to remove any support that Mr. Nelson has.

THE COURT: How is that relevant to --

MR. ADAMS: Well, because now the State's doing the same thing. They're asking to put an ankle monitor on him which would remove any support that he has. And so I'm saying it happens here and then it happens over here. And I can't tell you that it's coordinated, but it seems like it's a coincidence. Now the State's saying, hey, let's put an ankle monitor on the guy. You know, like they say they want him -- first the conditions was, oh, well, he can't leave the State of Oklahoma because he's got the ankle monitor, but he can't reside in Bartlesville. You can't have restrictions -- geographic restrictions like that, like

an entire county, you know. He doesn't drive. So anywhere -- you know, to live outside of Bartlesville and have to get to court and everything, is difficult. I don't think they even have Ubers that can take you around, but maybe they do. I don't know.

THE COURT: Well, I'm struggling with how that has anything to do with the motion to increase his bond.

MR. ADAMS: Because it seems like they're doing the bidding of the Plaintiffs in the Federal case in Kansas, and this is a coordinated effort between the Anthems and Mr. Koehn, who is one of their board of directors of their company, to cause him as much grief as possible. And he has a right -- he's not doing anything with their businesses. He is defending the lawsuit that was filed against him, and he's following the directions of the Federal Magistrate in how he's going about doing it. I mean, it would certainly be preferable if he had a lawyer, but he is a lot less likely to be able to come up with money to have a lawyer if he has to post another $10,000 in bond. And if he has to provide his own place to live because he's no longer allowed to live with his parents and it just exasperates the whole problem.

And so we don't believe that he has violated

the terms of his probation. He's not doing anything specifically with the business. He's trying to defend his lawsuit, maybe inartfully so. And we don't think he violated the conditions of the bond to begin with. We don't think they've met the requirements of Title 22, Section 11 or of Humphreys.

And if I could have just one minute, let me inquire.

Judge, the only other point is that there has -- the lawyer -- one of the lawyers representing them has -- I'm told by Mr. Nelson has actually tried to get him to contact the Blanchards, which he has refused to do so --

THE COURT: I'm sorry. You said one of the lawyers representing --

MR. ADAMS: One of the lawyers representing the Plaintiffs in Kansas actually suggested that contact the Blanchards, and he has declined to do so. He has stayed completely away from them. And the reason he is supposed to contact the witnesses before issuing the subpoenas is because they're telling him that he's got to do background to show the relevance of why he's trying to subpoena a particular person in the Federal case.

So we would ask the Court to deny the State's

request.

THE COURT: Ms. Gullett, your response.

MS. GULLETT: Thank you, Judge. I'd like to respond to some of that, seeing as how I have now been apparently accused of collusion. I think the word would be "prosecutorial misconduct." And I would like to set the record straight. I have never had any -- well, I take that back. Mr. Koehn did call me back in December of '21, when we were attempting to figure out where Mr. Nelson was when there was a warrant active for him. And then we found out he was being held on a warrant on our bond in New Jersey, and he was picked up attempting to get on an airplane for Spain. However, after that, I have not spoken to Mr. Koehn at all. In fact, I find him kind of a jerk, so I don't particularly like Mr. Koehn. So I'm taking a bit of offense to the fact that it is the belief the State of Oklahoma is being used to put Mr. Nelson back in jail for some silly civil lawsuit that is happening in a Federal court in Kansas.

My issue is with Mr. Nelson and his behavior towards the shareholders of the HeraSoft Company, specifically Mr. Ritter and Mr. Piercy. And as far as his contact of them, they are not listed on this witness list that was given to Mr. Nelson as possible witnesses,

my understanding, in the Federal lawsuit.

Also, as far as the filings go in the Federal lawsuit, from my victims, Cynthia and Anthem Blanchard, my understanding is that out of those 270 filings, because they're aware of those filings because they keep referencing Cynthia and Anthem Blanchard, that there have been over 180, I believe, filed by the Defendant on his own pro se motions; and that there's something like 2,000 pages filed by him. So I don't believe that he's having any difficulty in responding or filing on his own. He writes a pretty significant amount of things on his own, albeit, they don't make a whole lot of sense, but they are definitely written by him.

So, Your Honor, we're getting in the weeds, I believe, on the Federal lawsuit in Kansas. This all goes back to I'm sorry if you have spent a lot of your money paying for three attorneys in the State of Oklahoma bonding out in the State of Oklahoma, and you can't -- or no one will take your case in Kansas -- because that's the other rumor I've heard. But just because you don't have anyone to represent you in Kansas, doesn't mean you get to violate a Judge's order in the State of Oklahoma and contact people associated with the business of HeraSoft in Bartlesville, Oklahoma. That does not change Judge Sigler's order.

So at this time the State of Oklahoma is asking that you increase the Defendant's bond because he has violated his bond condition. I'm not asking for an ankle monitor, Judge. I'm asking that you increase his bond amount, and that if he has to post bond, he posts bond; and that we keep all the other conditions still intact. If he wants to go back to Rhode Island, he goes back to Rhode Island. That's fine with me. I would ask that we reiterate that he cannot have any contact with victims or their businesses. That includes -- I guess we have to spell it out -- shareholders and disparaging the company to people, like the shareholders, which is calling them and saying that Anthem and Cynthia are involved in a Ponzi scheme. Because if he really has concern, he can call, like, the SEC or whoever. Apparently there's something about the Department of Justice investigated someone on the advisory board of one of their companies at one point. Call them. Let them know. If you really think that, call them.

Thank you, Judge.

THE COURT: One last shot, Mr. Adams.

MR. ADAMS: Judge, it's sounds like the State's just asking to increase the bond. That's a punitive action. It's just basically going to cost him more money, okay? We object to it. I will just tell

you from any standpoint, no, I don't want my clients discussing anything that can be used in a criminal case with anybody, okay? But I don't see how this Court can order him not to be able to depose people and participate in the litigation in a Federal District court in Kansas.

And then the last issue is, is, no, Mr. Piercy and Mr. Ritter were not listed on the initial disclosures by the Plaintiffs in the Federal lawsuit. But in the Federal lawsuit, you're not required -- you're not restricted to just deposing people that the Plaintiffs tell you about. You can depose anybody that has any relevant information which is why he had to do the background to be able to testify to the Court to issue the subpoenas in the first place.

And so these two cases are interconnected, and he has to be -- and he's got a constitutional right to participate in the system. And he's got to be allowed to participate in the system there. And I would love for him to get a lawyer up there anyway, because it would make things a lot easier for me.

THE COURT: I'm not really concerned about the lawsuit that's going on in the state of Kansas except, Mr. Adams, I do agree with you that he does have a right to defend himself in a lawsuit that had been

filed against him. However, he has chosen to represent himself in that case, and it's pretty common knowledge that a litigant who chooses to represent themselves in a case does so at their own peril. He's still held to the same standard that a lawyer would be held to even though he's a pro se litigant.

The conversation that I heard, the voice mail that I heard, goes way beyond contacting someone to let them know that they're going to get a subpoena or went way beyond what was, in my opinion, allowed under the bond condition in this case. And while I understand that he has a right to represent himself, he's got this lawsuit, it's just unfortunate that he's been charged with a crime here that has as his bond condition some limits on his contact with the people that he believes may be necessary for him to contact.

Taking your theory, Mr. Adams, that he should have the right to contact the witnesses without this Court considering it to be a bond violation, if you take that just one step further then it would also be he could contact the alleged victims in this case and still not violate his bond condition as long as it's part of the case in Kansas. Well, I just don't believe that to be true. A criminal case is superior to the civil case. The conditions -- the bond conditions in the criminal

case are in place for a reason and remain effective throughout this criminal case and until and unless they're changed.

Now, I think it's clear, by looking at the court minute from January of 2022, that the Defendant was to have no contact with the alleged victims, the Blanchards, or their businesses. Well, if you take it literally, that business is a stone and brick building and maybe some paper and some computers. And I don't think that's what the Court meant at all. So it's clear to me that his contact with those people has gone way beyond just the necessity of contacting them for the purpose -- Mr. Ritter, Mr. Koehn, and Mr. Piercy, way beyond what's necessary just to effectuate the process of his civil lawsuit in Kansas.

The other issue is he had a $100,000 bond. The State agreed to reduce it with some conditions due to some apparently monetary constraints. I don't know. But that certainly freed up several thousand dollars for him to get an attorney to represent him in the case in Kansas.

It is clear to me that Mr. Nelson has violated his bond condition of no contact with the victims and their businesses. And just because that minute order, which was filed in, I believe, March -- the one,

Mr. Adams, that you attached.

MR. ADAMS: Judge, that would be B, Exhibit B, because A was the January 11th order. B is the March order.

THE COURT: March the 7th of 2022, is -- no minute order fully reflects what was said in court and what the judge's full order was, but it's clear to me that Judge Sigler did not lift the bond condition that he have no contact with the businesses themselves, even though he specifically -- or at least the minute order specifically referenced the victims.

At this time I am going to grant the State's motion to enhance his bond, or increase his bond, but I am going to only increase it to $100,000 rather than $150,000 and would reiterate to Mr. Nelson that while I understand that there's some -- there may be some necessity for him to contact some people that are somewhat related to the businesses here, there is proper communication and there is improper communication. Obviously the improper communication would violate his bond condition. And I guess what I'm saying is just simply if he had contacted one of those three men and not gone into detail about what's going on in the Blanchards' company or I know your wife has done this and here's all this contact about maybe suggestions of

underaged children, none of that has anything to do with that lawsuit nor does it have anything to do with anything other than an attempt to intimidate the Blanchards through people that they're closely connected with in their companies. Completely inappropriate.

So you did mention, Mr. Adams, that you thought they were asking to increase -- or an excuse to put an ankle monitor on him. I didn't see that anywhere in their order, and then Ms. Gullett reiterated that they are not asking for a ankle monitor.

MR. ADAMS: Okay. Well, I'm pleased that they are not.

THE COURT: That was originally a bond condition, that he wear an ankle monitor. They graciously agreed to lift that condition, along with some other things, so long as Mr. Nelson abided by his end of the agreement. And I don't believe that he has done that, and I believe that he has purposely attempted to intimidate the Blanchards through people in -- closely related to their company.

I do want to address the -- I guess the best way I can put it -- insinuation that the State of Oklahoma is in collusion with the Plaintiff in the Kansas case, that was a really far stretch.

And, Mr. Adams, I'm not exactly sure what you

were trying to get the Court to understand or believe with respect to that, but it was just a far stretch and hard for me to imagine that the State of Oklahoma, knowing how busy they are, would have time to collude with the Plaintiffs in that Federal lawsuit to try to have an economic impact on Mr. Nelson. I think they're just simply trying to protect their -- who they believe to be victims in this case and to prosecutor what they believe to be a crime in this case.

So, anything further, Ms. Gullett?

MS. GULLETT: Your Honor, I believe we need to set a date for this case. I believe we're set for status docket for the jury sounding docket.

THE COURT: Okay. Anything further from you, Mr. --

MR. ADAMS: I didn't hear what Ms. Gullett said.

THE COURT: I think it's currently set on December the 16th. Am I correct?

MS. GULLETT: Yes. As long as that's still our date, yes, Judge.

THE COURT: December 16th is the jury sounding docket for the winter and spring term. And that's the date that it's set on now.

MS. GULLETT: Is that at 2:00 or at 9:00?

We're at 9:00, right?

THE COURT: It's at 9:00 -- let me make sure. 12-16 at 2:00 p.m.

MR. ADAMS: Judge, is that supposed to be at 9:00?

THE COURT: No. It was previously set at 2:00. That's my jury sounding docket is at 2:00. My regular felony docket is at 9:00 a.m., and to try to do those two things on the same docket is too hectic.

MR. ADAMS: And so the record is clear -- one is Misty -- Mr. Nelson's bond person wanted me to ask if they could just write the bond down at the court clerk's office, the additional bond or -- basically, I think what she's asking is does he have to go into custody and get bonded out at the jail or can we just write the bond at the court clerk's office?

THE COURT: We're going to follow the proper procedure. He's got to go to the jail and go through the proper procedure.

MR. ADAMS: And the other question I have is -- that I just want to be clear on, so there's no misunderstanding, is if he were to make bond, can he appear virtually, since he lives in Rhode Island, or does the State want him to return to Washington County?

MS. GULLETT: I have no objection on that

day that he return -- or that he do virtual because it will be just us setting dates.

THE COURT: So what we're going to do, Mr. Adams, and I know that we do it different in this small county than you do in Tulsa County where you primarily practice, but on December the 16th at 2:00, it's basically a setting where we actually set at that time whomever wants a jury trial, says they want a jury trial, and we set it on the next docket -- or the -- we set it on the first day of the first of the jury term in January. So there is no reason for Mr. Nelson to personally appear on that day because it's basically a date to get a date.

MR. ADAMS: It's something that I can show up and he can appear virtually?

THE COURT: Yes.

MR. ADAMS: Do I need to do it on my computer or whatever, like that, I mean? Or does he call in or what?

THE COURT: Well, you can handle that however you want to. I don't care. It can either be by phone. It could be by Facetime, if you prefer to do that. If you want to get him on some kind of Zoom meeting, as long as you have the equipment to do it, so long as you're not relying on the Court to do that.

MR. ADAMS: Okay.

THE COURT: I want to make clear that the bond condition is no contact with the victim.

And, Mr. Adams, you can explain this to Mr. Nelson.

But no contact with the alleged victim also means no contact with a third party in an effort to get to the victim or an effort to get a message or intimidate the victim. So, no contact with the victim; no email, no social media, all those things that we lawyers know what no contact means, okay? No contact with the alleged victim.

MR. ADAMS: Just in -- this might satisfy. You can't do indirectly what you're not allowed to do directly.

THE COURT: Correct.

MR. ADAMS: Okay. But just so we're clear on the Court's orders, we're not saying that if he gets a lawyer that can do a deposition of a witness and the lawyer asking the witness depositions [sic] that the lawyer believes is related to the lawsuit in Kansas, the Court, and hopefully the State, doesn't have any problem with that?

THE COURT: I don't have a problem with that so long as Mr. Nelson understands that he can have

no contact with that victim. He can't be at that deposition. And if he wants to listen in and have -- he just can't have any contact with the victim. But I believe it would be preferable for him to have an attorney there that can do what he believes he should be able to do in the civil case. And I'm confident that a lawyer would know within which boundaries he or she needs to stay.

So no contact with the alleged victim. No contact with the businesses that the victims are involved in or own, which we understand that that means not their shareholders. Don't go down and talk to the secretary. Don't, you know, picket out in front of their business, all those kind of things. I just want to be clear on that.

MR. ADAMS: Yes.

THE COURT: And then with respect to being in Bartlesville, that was something that you referenced, Ms. Gullett.

And while you referenced it, too, Mr. Adams, the bond condition that was set by Judge Sigler was he cannot be in Bartlesville except to come to court and visit with his attorney.

Now, Mr. Adams, I understand you have an office in Tulsa. So he has no restriction as far as coming to

visit you in Tulsa. I guess if you wanted to come to Bartlesville, he could come here to visit you. But other than that, the other bond conditions set be Judge Sigler remain in full for force and effect.

No contact with the alleged victims or their businesses. He is to surrender his passport. No longer has the requirement of an ankle monitor. He cannot reside in Washington County.

What about check in with his bondsman every day?

MS. GULLETT: He is still supposed does do that.

THE COURT: And check in with the bondsman. I think that's in lieu of having an ankle monitor.

MS. GULLETT: Correct. And that's with Misty.

THE COURT: Did I miss anything?

MS. GULLETT: No, Judge.

THE COURT: Is there anything that we're unclear about?

MR. ADAMS: No, Your Honor.

THE COURT: Anything else for the record, Ms. Gullett?

MS. GULLETT: No, Judge. Thank you.

THE COURT: Mr. Adams?

MR. ADAMS: No.

THE COURT: That will then conclude the record.

(End of proceedings)

STATE OF OKLAHOMA)

COUNTY OF WASHINGTON)

I, Kara L. Rowell, court reporter in and for the District Court of Washington County, State of Oklahoma, do hereby certify that the above and forgoing contains a true and correct transcription of all portions of proceedings and evidence requested in the above-styled and -numbered cause, CF-2021-304, all of which occurred in open court or in chambers and were reported by me on October 12, 2022.

I further certify that this reporter's record of the proceedings truly and correctly reflects the exhibits, if any, offered by the respective parties.

WITNESS my hand this 3rd day of November, 2022.

KARA L. ROWELL, CSR
Court Reporter
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District Court
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Expiration: 12/31/22